

Notice of Allowability

Application No.

09/777,554

Examiner

Robert Shiao

Applicant(s)

SCOTT ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to responses filed on November 21, 2005.

2. ☒ The allowed claim(s) is/are 1-22 and 38-43, 47-58, now are 1-40.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____

DETAILED ACTION

1. This application claims benefit of the provisional application: 60/180,841 with a filing date 02/07, 2000.
2. Amendment of claims 1-4, 7-8, 10-16, 40-41, 48, 51, 53, 55-58, and cancellation of claims 23-37, 44, and 59-60 in the amendment filed on November 21, 2005, is acknowledged. Claims 1-22, 38-43, and 45-58 are pending in the application.

Responses to Amendment

3. Since the non-elected subjected matter, i.e., variable Q¹ of compounds of formula (I) and claims 45-46, have not been eliminated, therefore, objection of claims 1-22, 38-43, and 45-58 is maintained. Since claims 23-37 and 59-60 have been canceled, therefore, objection of claims 23-37 and 59-60 is obviated herein.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Gayle O'Brien on February 06, 2006. The application has been amended as follows:

Art Unit: 1626

In claim 1, line 3, after "isomers thereof," delete "prodrugs thereof,"

In claim 1, line 4, after "isomers," delete "prodrugs"

In claim 1, line 9, delete "Q¹ is (C₁-C₆)alkyl;"

In claim 2, line 2, after "isomers thereof," delete "prodrugs thereof,"

In claim 2, line 3, after "isomers," delete "prodrugs"

In claim 3, line 2, after "isomers thereof," delete "prodrugs thereof,"

In claim 3, line 3, after "isomers," delete "prodrugs"

In claim 4, line 3, after "isomers thereof," delete "prodrugs thereof,"

In claim 4, line 4, after "isomers," delete "prodrugs"

In claim 5, line 2, after "isomers thereof," delete "prodrugs thereof,"

In claim 5, line 3, after "isomers," delete "prodrugs"

In claim 6, line 2, after "isomers thereof," delete "prodrugs thereof,"

In claim 6, line 3, after "isomers," delete "prodrugs"

In claim 7, line 2, after "isomers thereof," delete "prodrugs thereof,"

In claim 7, line 3, after "isomers," delete "prodrugs"

Art Unit: 1626

In claim 8, line 2, after "isomers thereof," delete "prodrugs thereof,"

In claim 8, line 3, after "isomers," delete "prodrugs"

In claim 9, line 2, after "isomers thereof," delete "prodrugs thereof,"

In claim 9, line 3, after "isomers," delete "prodrugs"

In claim 10, line 2, after "isomers thereof," delete "prodrugs thereof,"

In claim 10, line 3, after "isomers," delete "prodrugs"

In claim 11, line 2, after "isomers thereof," delete "prodrugs thereof,"

In claim 11, line 3, after "isomers," delete "prodrugs"

In claim 12, line 2, after "isomers thereof," delete "prodrugs thereof,"

In claim 12, line 3, after "isomers," delete "prodrugs"

In claim 13, line 2, after "isomers thereof," delete "prodrugs thereof,"

In claim 13, line 3, after "isomers," delete "prodrugs"

In claim 14, line 2, after "isomers thereof," delete "prodrugs thereof,"

In claim 14, line 3, after "isomers," delete "prodrugs"

In claim 15, line 2, after "isomers thereof," delete "prodrugs thereof,"

Art Unit: 1626

In claim 15, line 3, after "isomers,", delete "prodrugs"

In claim 16, line 2, after "isomers thereof,", delete "prodrugs thereof,"

In claim 16, line 3, after "isomers,", delete "prodrugs"

In claim 17, line 3, after "isomers thereof,", delete "prodrugs thereof,"

In claim 17, line 4, after "isomers,", delete "prodrugs"

In claim 18, line 2, after "isomers thereof,", delete "prodrugs thereof,"

In claim 18, line 3, after "isomers,", delete "prodrugs"

In claim 19, line 2, after "isomers thereof,", delete "prodrugs thereof,"

In claim 19, line 3, after "isomers,", delete "prodrugs"

In claim 20, line 2, after "isomers thereof,", delete "prodrugs thereof,"

In claim 20, line 3, after "isomers,", delete "prodrugs"

In claim 21, line 2, after "isomers thereof,", delete "prodrugs thereof,"

In claim 21, line 3, after "isomers,", delete "prodrugs"

In claim 22, line 3, after "isomers thereof,", delete "prodrugs thereof,"

In claim 22, line 4, after "isomers,", delete "prodrugs"

Art Unit: 1626

In claim 39, line 1, after "compositions", delete "for inhibiting a protein kinase"

In claim 39, line 3, after "formula", delete "(IB)", and insert

--(I) of claim 1--

In claim 39, line 4, after "isomers thereof," delete "prodrugs thereof,"

In claim 39, line 5, after "isomers," delete "prodrugs"

Delete claims 45-46

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

Claims 1-22, 38-43, and 47-58 are neither anticipated nor rendered obvious over the art of record, and therefore are allowable. This invention relates to benzothiazole derivatives. The closest reference is Das et al. US 2002/0123484, discloses benzothiazole protein kinase inhibitors. The difference between and instant claims is that the instant compounds have not been found. Suggestion for modification of above record to obtain the instant claimed compounds/compositions and methods of use has not been found. Claims 1-22, 38-43, and 47-58 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Shiao whose telephone number is (571) 272-0707. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph K. McKane
Supervisory Patent Examiner
Art Unit 1626


Robert Shiao, Ph.D.
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February 06, 2006